

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

HI-TECH PHARMACEUTICALS)	
Inc.,)	1:15-cv-01413-SCJ
Plaintiff,)	
)	
v.)	
)	
PIETER A. COHEN,)	
CLAYTON BLOSZIES,)	
CALEB YEE, and ROY GERONA,)	
Defendants.)	

DEFENDANT, PIETER A. COHEN’S, MOTION TO DISMISS THE
AMENDED COMPLAINT

Now comes the Defendant, Pieter A. Cohen, M.D. (“Dr. Cohen”), and hereby asks this Honorable Court to dismiss the Plaintiff’s Complaint and Amended Complaint pursuant to Fed R. Civ. P. 12(b)(2). Dismissal is appropriate because this Court lacks personal jurisdiction over Dr. Cohen, since Dr. Cohen’s actions do not fall within the reach of the Georgia long-arm statute. Additionally, the assertion of personal jurisdiction over Dr. Cohen would violate the Due Process Clause of the Fourteenth Amendment both because Dr. Cohen does not have sufficient contacts with the state of Georgia such that he has “purposefully availed” himself of the privilege of conducting activities in the state, and because the

exercise of personal jurisdiction over Dr. Cohen in this matter does not comport with “traditional notions of fair play and substantial justice.”

Dr. Cohen also moves for dismissal pursuant to Fed. R. Civ. P. 12(b)(6) on the grounds that his statements are a matter of opinion and cannot be the subject of a defamation claim or a claim under the Georgia Uniform Deceptive Trade Practices Act (“UDTPA”). O.C.G.A. § 10-1-372. Further, Dr. Cohen’s statements are protected by a qualified privilege pursuant to O.C.G.A. § 51-5-7 and because the statements involve a public figure regarding a matter of public concern. Hi-Tech has failed to state sufficient facts to support a claim of “actual malice” against Dr. Cohen.

Wherefore, Defendant, Pieter A. Cohen, M.D., respectfully requests that this Honorable Court dismiss the Plaintiff’s claims against him. In the alternative, the Defendant requests a transfer of venue.

In further support of this motion the Defendant, submits his Memorandum in Support of his Motion to Dismiss the Amended Complaint.

REQUEST FOR ORAL ARGUMENT

The Defendant, Pieter A Cohen, M.D., requests an oral argument on this matter.

Respectfully Submitted,
The Defendant,
By his Attorneys

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Pursuant to Local Rule 7.1(D), the above-signed counsel certify that the foregoing has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1B.